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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/720,083 | 11/25/2003 | Etsuo Miyoshi | 2003-1699A | 4944 |
| 513 | 7590 | 10/01/2004 | EXAMINER | |
| WENDEROTH, LIND & PONACK, L.L.P. 2033 K STREET N. W. SUITE 800 WASHINGTON, DC 20006-1021 | | | ROYAL, PAUL | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3611 | |

DATE MAILED: 10/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) |
|------------------------------|------------------------|---------------------|
| | 10/720,083 | MIYOSHI, ETSUO |
| Examiner | Art Unit | |
| Paul Royal | 3611 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 25 November 2003.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-13 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) Claim(s) _____ is/are allowed.
6) Claim(s) 1,2 and 6-12 is/are rejected.
7) Claim(s) 2-5 and 13 is/are objected to.
8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 25 November 2003 is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/16/04, 06/7/04.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
5) Notice of Informal Patent Application (PTO-152)
6) Other: ____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statements (IDS) submitted on 7 June 2004 and 16 March 2004 has been considered by the examiner.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "ring member (30)" of claims 6-8 and "connection portion (33)" of claim 10 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will

be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 2, 6-8 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. For claim 2, the "cushion ring (25)" of line 6 should be "cushion ring (25)" as taught in the Specification.
5. For claims 6-8 and 10, it is unclear what applicant considers "ring member 30" and "connection portion (33)", as applicable to the respective claims.

Note, the Drawings and Specification do not appear to present a "ring member 30" nor a "connection portion (33)".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 9 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baldwin et al. (US 6,276,705) in view of Wagner (US 4,770,432).

Baldwin et al. teaches a wheel having a rim member (40) forming outer periphery:

a hub member (Hub, see Examiner's annotated Figure 2B) rotatably connectable to a wheel chair part at the center of the rim member via a wheel member (wheel member, see Examiner's annotated Figure 2B);

a rubber cushion ring (cushion ring, see Examiner's annotated Figure 3B) fixed on the outer periphery of the rim member (40);

continuous wall portion (30) on the outer side of the outer periphery;

wherein the continuous wall portion (30) is formed in a ring shape along the rim (20), and provides a grip ring (50) on the edge portion, and

wherein a finger-holding cavity is formed by the continuous wall portion (30), the finger-holding cavity being capable for insertion of user's finger inside to rotate the wheel by gripping the grip ring (50); and

wherein the continuous wall portion (30) is either curved or angled toward the center portion of the wheel, and the grip ring (50) on the edge portion is positioned on the center side from the outer periphery edge of the rim member (20).

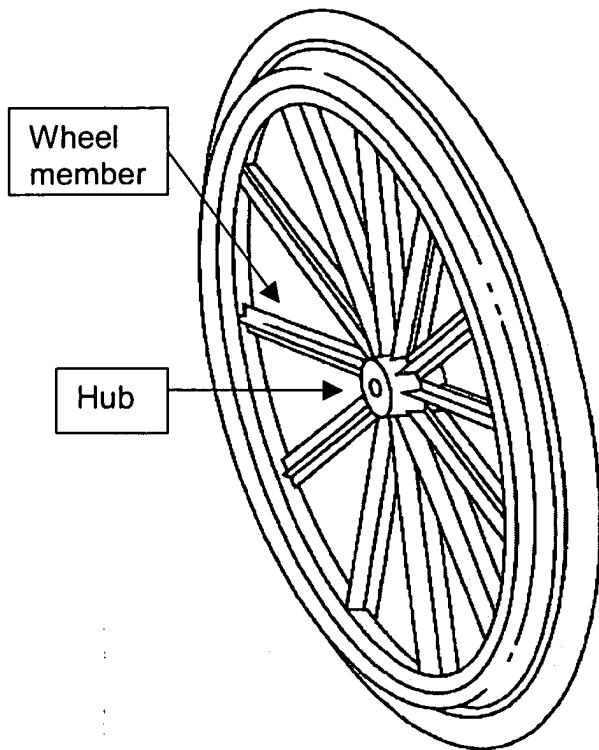


FIG. 2B

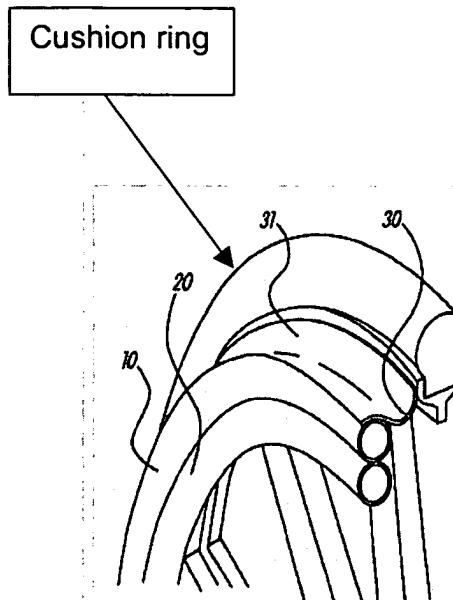


FIG. 3B

Baldwin et al. does not teach that the wheel chair rim member is attached to a wheelchair having a chair pad on which a user can sit, and wheels (10) provided on both side in a rotatable fashion by hand for moving.

Wagner teaches a wheelchair having a chair pad (13) on which a user can sit, and wheels (18) provided on both side in a rotatable fashion by hand for moving to provide a rugged wheel chair.

It would have been obvious to one of ordinary skill in the art at the time of the invention to attach the wheel hub member of Baldwin et al. to a wheelchair having a chair pad on which a user can sit, and wheels provided on both side in a rotatable fashion by hand for moving, as taught by Wagner, to provide a rugged wheel chair.

7. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baldwin et al. (US 6,276,705) in view of Wagner (US 4,770,432), as applied to claim 1, in further view of Parenzuela (US 5,944,390).

Baldwin et al. in view of Wagner, as applied to claim 1, teaches the claim limitations except wherein the rim member, (except the cushion ring), the wheel member and the hub member are integrally formed by plastic.

Parenzuela teaches an all terrain wheel in which the rim member, (except the cushion ring), the wheel member (10) and the hub member are integrally formed, see column 2, lines 23-42, to provide a simple and inexpensive unitary wheel and hand ring assembly.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the wheelchair of Baldwin et al. in view of Wagner, as applied to claim 1, to include wherein the rim member, (except the cushion ring), the wheel member and the hub member are integrally formed by plastic, as taught by Parenzuela to provide a simple and inexpensive unitary wheel and hand ring assembly.

Allowable Subject Matter

8. Claims 2-5 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter: the prior art does not show wherein the rim member of the wheel, as presented

in the independent claims and applicable to the dependent claims, is formed in U-shaped in cross-sectional form cut in the radial direction via a connecting ring connecting an inner side wall and an outer side wall, the inner side wall connected to the wheel part and the U-shaped portion forms a finger holding cavity.

10. Claim 13 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the prior art does not show wherein the rim member of the wheel, as presented in the independent claims and applicable to the dependent claims, is curved from inside to outside, toward the hub member from the rim member.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. La Rue et al. teaches a hand rim and wheel. Farey et al. teaches a hand rim. Williams teaches a wheelchair. Mendon teaches a wheelchair wheel. Pearce et al. teaches a wheel assembly. Pearce teaches a wheel assembly. Okamoto teaches a wheelchair handrim. Axelson et al. teaches a hand rim. Gagnon teaches an all terrain wheelchair.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Royal whose telephone number is 703-308-8570. The examiner can normally be reached on 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley D. Morris can be reached on 703-308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



P. Royal
9/20/04

Paul Royal
Examiner
Art Unit 3611



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